

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

YANCY EDWARD GORDON,)	
)	
Plaintiff,)	
vs.)	NO. CIV-09-518-HE
)	
MICHAEL J. ASTRUE, Commissioner)	
of the Social Security Administration,)	
)	
Defendant.)	

ORDER


Plaintiff Yancy Edward Gordon filed this action seeking judicial review of the final decision of the Commissioner of the Social Security Administration denying his applications for disability insurance and for supplemental security income benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Doyle W. Argo, who recommends that the Commissioner’s decision be reversed and the matter remanded for further proceedings. The magistrate judge found the Administrative Law Judge “applied the wrong legal standard in determining whether Plaintiff’s disability continued through the date of the administrative law judge’s decision.” Report and Recommendation, p. 8.

The parties, having failed to object to the Report and Recommendation, waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Argo’s Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of

which is attached to this order.

IT IS SO ORDERED.

Dated this 26th day of July, 2010.



JOE HEATON
UNITED STATES DISTRICT JUDGE